

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRIMINAL MISC.NO.26834 M OF 2006 (O&M)

DATE OF DECISION: DECEMBER 15, 2006

Sarjit Singh Sandhu

.....Petitioner

VERSUS

State of Punjab and another

....Respondents

CRIMINAL MISC.NO.77337 M OF 2006

Balbir Kaur

.....Petitioner

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

PRESENT: Mr. Anand Chhibbar, Advocate,
for the petitioners.

Mr. M. C. Berry, Sr.DAG, Punjab,
for the State.

Mr. Mrkiank Sharma, Advocate,
for respondent No.2.

RANJIT SINGH, J. (ORAL)

Through these two petitions filed under Section 482 Cr.P.C., the

petitioners have sought quashing of the complaint, Annexure P-1 and the summoning order, Annexure P-2, whereby both the petitioners have been summoned to face trial under Sections 406, 498A IPC. The impugned complaint was filed by Kuldip Kaur, respondent No.2, wife of Sarjit Singh Sandhu (petitioner in Crl.Misc.No.26834 M of 2006). The marriage between respondent No.2 and Sarjit Singh Sandhu was performed on 29.4.1998. As per the averments in the complaint, gifts and dowry articles alongwith cash in the shape of Shagun were given. The details of the dowry or other gifts have been mentioned in the complaint. Husband- Sarjit Singh Sandhu had left for England on 21.5.1998 alongwith his mother, Gurdev Kaur and sister, Balbir Kaur. Subsequently, the complainant, Kuldip Kaur wife of petitioner-Sarjit Singh Sandhu had also left for England on 21.12.1998. It is alleged that after arrival of the complainant in England, the attitude of the petitioners and their other relations became harsh and they started taunting her by saying that the marriage had not been performed in a befitting manner, to the standard and expectations of the accused-petitioners. Other allegations have also been made in regard to taunts and pin-prick like the complainant being not good looking as compared to her husband. On 3.6.2000, the complainant returned to India and since then she is staying with her mother. Some other allegations in regard to stealing of passports etc. were also made.

On the basis of this complaint, the petitioners were summoned. It may be noticed that mother of the petitioners, Gurdev Kaur, is already dead.

Aggrieved against the filing of the complaint and

summoning, the petitioners have filed the abovesaid separate petitions for quashing of the complaint, Annexure P-1 and the summoning order, Annexure P-2, through their attorney, Dalbir Singh Dhillon. During the pendency of these petitions, the dispute has been settled between the respective parties, leading to a compromise. A compromise deed was placed on record through Crl.Misc.No.76670 of 2006 in Criminal Misc. No.26834 M of 2006 as Annexure P-5. The same compromise deed is annexed as Annexure P-4 in the connected petition bearing Crl.M.No.77337 M of 2006, filed by Balbir Kaur. As per the compromise, the petitioners have agreed to pay a sum of Rs.11,50,000/- in lumpsum as a permanent alimony to settle the claim for all times, inclusive of maintenance past and present. Two drafts bearing Nos.666826 dated 7.12.2006 amounting to Rs.8,50,000/- and 648230 dated 7.12.2006 amounting to Rs.3,00,000/- are handed over in the Court today by the counsel for the petitioners, which are received by complainant-respondent No.2, present in person in Court through her counsel. In the compromise the complainant has agreed not to pursue the complaint filed at her instance and has further expressed that she would not have any objection in case the complaint, Annexure P-1, and the order summoning the petitioners, Annexure P-2 in the respective petitions, are quashed. It has also been noticed in compromise deed that complainant, Kuldip Kaur, has filed a petition under Section 125 Cr.P.C. against Sarjit Singh Sandhu, husband, which was allowed on 14.8.2003. It is recorded in the compromise deed that the amount of Rs.11.50 lacs now being paid to the complainant, Kuldip Kaur, would include the liability, which petitioner-Sarjit Singh Sandhu have

incurred on account of grant of maintenance under Section 125 Cr.P.C. In other words, this amount will settle the entire claim that the complainant may have against her husband, Sarjit Singh Sandhu on account of dowry, maintenance and other such liabilities. The complainant, who is present in person in Court, has submitted that she will not raise any claim in future on any count and the abovesaid amount is a full and final settlement, which is payable to her on account of all liabilities. Respondent No.2 has further submitted that she will not execute the decree arising out of the order passed under Section 125 Cr.P.C. In addition to other conditions, it has also been mentioned in the compromise deed that marriage has been dissolved by a decree of divorce passed by Dartford County Court of United Kingdom on 27.5.2005. It is in this background that the complainant has agreed to withdraw the complaint and other proceedings filed at her instance. From the above, it is clear that the matrimonial differences and disputes between the parties have been amicably settled. It is clear that the parties have decided to live separately and start their lives a fresh. Since the matrimonial dispute and differences between the parties have been amicably settled, no useful purpose will be served in permitting any criminal/civil proceedings to continue. Even otherwise in view of the Full Bench decision of this Court reported as Dharambir Vs. State of Haryana, 2005 (3) RCR (Criminal) 426 and the law laid down by the Hon'ble Supreme Court in the case of B.S.Joshi Vs. State of Haryana, (2003) 4 SCC 675, the criminal proceedings arising out of matrimonial dispute can be ordered to be quashed on the basis of compromise.

Accordingly, it would be in the interest of justice that the

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proceedings are brought to an end. Both the petitions are allowed and the impugned complaint, Annexure P-1 and the summoning order, Annexures P-2, are hereby ordered to be quashed.

**December 15, 2006
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**(RANJIT SINGH)
JUDGE**